(1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CRIMINAL MISCELLANEOUS PETITION NO. 156 OF 2006.

Single Bench

4831/06

APPLICANT : Prabhu Lal Gond, aged about 70 years, Son of late Jahiram Gond, resident of Sakin Moja, P.S. Parsoda, Kumhari, Tehsil : Patan, District : Durg , Chhattisgarh.

Filed on 09/11/06
by Shri Saurabh Dargad Advocate
09/11/06
R. to D.R. (J)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh Through: The District Magistrate, Durg, District Durg, Chhattisgarh
2. Ratanlal Sahu, aged about 30 years, Son of Pireet Sahu,
3. Kumar Sahu, aged about 30 years, S/o Ghasiya Sahu
4. Rajaram Sahu, aged about 25 years, S/o. Pardeshi Sahu
5. Pannalal Sahu, aged about 30 years, S/o JagatramSahu
6. Kamdev Sahu, aged about 22 years, S/o. Manrakhan Sahu
7. Moolchand Sahu, aged about 52 years, S/o Manrakhan Sahu
8. Bhujbal Prasad Sahu, aged about 56 years, S/o. Ramdular Sahu
9. Santuram Sahu, aged about 35 years, S/o. Birjhuram Sahu

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(9) (4)

10. Manoharlal Sahu, aged about 40 years, S/o. Ramak

11. Netum Sahu, aged about 30 years, S/o. Saroop Sahu

12. Neelkhant Sahu, aged about 45 years, S/o. Jethuram Sahu

13. Saligram Dubey, aged about 40 years, Cooperator- Municipal Corporation, Parsada

14. Vimal aged about 30 years, S/o. Thakur Ram Sahu

15. Poshan, aged about 29 years, S/o. Bhalau Ram Sahu

16. Virendra Dheemer, aged about 25 years, S/o. Mannu Dheemer

17. Bhalau, aged about 58 years, S/o. Teksingh Sahu

All Respondents from 2 to 17 are resident of Sakin-Mooja Parsada, P.S. Kumhari, Tehsil : Patan, District : Durg, Chhattisgarh.

APPLICATION UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 SEEKING DIRECTION FROM THIS HON'BLE COURT TO ADDITIONAL CHIEF JUDICIAL MAGISTRATE, DURG TO PASS SOME SUBSTANTIAL / APPROPRIATE ORDER IN THE COMPLAINT CASE (UNREGISTERED) PENDING BEFORE HIM.

FACTS OF THE CASE :

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...Cr.M.P.156/06... **सन्** **200**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.02.2007

Shri Saurabh Dangi, Counsel for the applicant.

Heard on admission.

This petition has been filed for passing an appropriate order in the matter of Prabhulal Gond vs. Ratan Lal Sahu and others, Compliant Case No. (unregistered) pending in the Court of Additional Chief Judicial Magistrate, Durg (C.G.).

Learned counsel for the applicant/complainant argues that though the complaint was filed in the said Court on 11/7/2005, but the Court below has not taken any substantial step regarding registration/dismissal of the complaint and the same is kept pending since the said date. He also submits that a suitable direction be given to the Court below to take appropriate steps as early as possible so that the matter is expedited at the earliest.

Perused the order sheets of the trial Court, which is annexed as Annexure A-3.

The order sheets would show that this complaint was filed on 11/7/2005 and the date of 25/8/2005 was fixed for receiving the police report. Thereafter, another date was given for the same purpose on 16/11/2005. Then, on various subsequent dates also, time was given for receiving the police report and ultimately, on 28/6/2006, when the matter was taken up for arguments, learned counsel for the complainant/applicant himself prayed for time.

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(26)

आदेश पत्रक

मामला क्रमांक Cr. M.P. 156/06 **सन् 200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Without commenting on the steps taken by the Magistrate, I deem it proper to observe that the Magistrate is not required to wait for the police report and he is to proceed in the matter in accordance with the material available before him or brought before him by the complainant within the purview of Sections 200, 202 of Cr.P.C. and to pass an appropriate order either under Section 203 of Cr.P.C. regarding dismissal of the complaint or under Section 204 of Cr.P.C. regarding issuance of process. This is the basic requirement under Chapter – XV and Chapter XVI of the Code of Criminal Procedure, which the Magistrate is to follow when the complaint is made to him. This petition is disposed of with a direction that the Magistrate will essentially look into the aforesaid provisions and shall proceed in accordance with law so that the complaint filed by the applicant as back as on 11/7/2005 may be disposed of expeditiously. Let the copy of this order be sent to the Magistrate immediately. **Sd/-** **Sunil Kumar Sinha** **Judge**	

(पीछे देखिये)